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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,717	02/29/2000	Binh T. Nguyen	IGT1P030/P-282	1099

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EXAMINER

SAGER, MARK ALAN

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/515,717

Applicant(s)

Nguyen

Examiner

Sager

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 22, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 21-44 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 21-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Claim Rejections - 35 USC § 103

1. Claims 1-13 and 21-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stupak et al (5851147) in view of Kelly (6015344). Stupak discloses a gaming device and method for permitting player selection of prize from a list of prizes prior to each game play or outcome determination so the player inputs their preferences which encourages them to play longer thereby generating higher revenues for the casino due to the longer play session and less time for the player to be wandering in search of a game (1:5-9, 5:27-38, 42-58; 5:63-6:18, 24-54, 7:15-8:54, 9:23-60, 11:10-24, figs. 1-7) teaching claimed features/steps of a gaming machine (10) such as video poker including a master gaming controller (step 62) to control a game of chance (fig. 4) wherein the gaming machine is operable to receive a selection of a prize from a list of prizes prior to determining the outcome of the played game of chance wherein the prize corresponds to an award for at least one outcome and wherein the prize is only awarded after the outcome of the played game is determined (5:27-38, 42-58; 5:63-6:18, 24-54, 7:15-8:54, 9:23-60, 11:10-24, figs. 1-7, esp fig. 4), determine the outcome for the player game of chance 'wherein the odds for all possible outcomes of the played game of chance are generated prior to the selection of the prize' in the form of pre-generated pay-out schedules (5:27-38, 42-58; 5:63-6:18, 24-54, 7:15-8:54, 9:23-60, 11:10-24, fig 1-5, steps 50, 52, 56, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 84), display the outcome (74), indicate an award (80), a memory is a magnetic storage device or non-volatile memory (inherent) storing a list of prizes including cash (figs. 1-7), a prize display mechanism such as a video display (20, 40, 50) displaying prizes stored in the memory in a format to indicate a feature of prize such as its value (20, 40, 50), prize selection mechanism on a key

pad, button panel, touch screen or voice or other input device (10:37-38) which allows a user to select a prize specific to a wager amount (24, 42, 52) used to select prizes for game outcomes of a game played on a game machine with display wherein the prizes are cash and wherein a probability of the outcome of the game of chance is specific to a value of the selected prize (1:5-9, 5:27-38, 42-58; 5:63-6:18, 24-54, 9:23-10:14, 11:10-24). Stupak includes a prize distribution network with a server for accessing an account such as casino or bank account (8:3-6).

However, Stupak does not disclose 'non-cash' prizes (clm 1, 21, 24), 'theme' (clm 13,) 'merchandise, vacations, airline miles or shopping sprees' (clm 2, 23, 25, 37), a prize server (clm 21, 35), outputting the selected prize to a portable memory device (clm 27), portable memory device is a personal digital assistant or smart card (clm 28), 'printing a record' (clm 41), 'prize fulfillment information used to redeem prizes won by players playing gaming machines' (clm 43) and a 'prize fulfillment center that is used to acquire and deliver prizes' (clm 44).

This lack of disclosure does not teach away from claimed invention since the standard of patentability is what the prior art taken as a whole at a time prior to the invention suggests to an artisan. In this case, regarding non-cash prizes, casinos offer or cater to player gaming preferences including prize preferences without the need for the player to shop around for prize amount desired by player to attract them to play at their casino so as to increase their revenue thereby since the longer players continue to play the more the casinos' revenue is likely to increase. Player preferences include preferences for type of prize being either cash or non-cash winnings since some players prefer to receive cash payout while others prefer non-cash prizes as notoriously well known and as admitted prior art (instant background, 1:8-4:8, esp. 3:9-33 and

page 5 of remarks filed Jan 14, 2002). Stupak teaches system, method or machine to cater to player preferences including for amount of wager and size or amount of cash prize (supra) without the need for the player to shop around for prize amount desired by player in order to keep the casino's customers playing as long as possible since longer play generates higher revenues and doing this by providing players some perceived control over their game, but lacks disclosing non-cash prizes. Non-cash prizes, such as merchandise, vacations, airline miles or shopping sprees, are notoriously well known as 'theme' prizes having intrinsic monetary value which are monetarily equivalent prizes to the cash prizes taught by Stupak. Applicant's admission in instant background that cash and non-cash prizes as payout (1:7-4:8) such that some players are motivated to play dependent on preference for cash or non-cash prizes such as cruises or automobiles (3:12-13) and in remarks filed Jan 14, 2002 (page 5) is acknowledged. Kelly discloses a system, machine and method for player selection of prizes from a list of prizes stored in memory either on a gaming machine with a display for displaying the list of prizes or for a prize distribution network (figs. 1, 3-4) on a prize server having an interface for communication with gaming machines including wagering on games of chance (supra) teaching selecting prizes of cash (9:14-16, 9:61-10:2) and 'non-cash' prizes such as merchandise or shopping spree (9:61-10:5; 11:47-63, 24:62-25:32; 29:40-30:18, 32:31-47, figs. 1-15, esp. 6-6c and 9, or 32:31-46 for tournament play) from a selection menu (figs. 1-1a, 3-5b, 6-6c, 9-9a, 12-14) including 'theme' prizes (9:61-10:2, 11:47-63, 30:8-18) which include promotional awards by voucher or certificate for shopping spree at particular sponsor (11:47-61, 30:8-60, 32:31-47) where non-cash prizes are monetarily equivalent to cash prizes due to their intrinsic cash value to cause greater interest and

involvement and thus increases the games earnings thereby (24:16-19) by allowing players to view and select cash or non-cash prizes (9:61-10:2, 20-23). Kelly further teaches awarding non-cash prize or monetary equivalent amount for shopping spree (34:49-57). Therefore, it would have been obvious to an artisan at time prior to invention to add 'non-cash' selected from the group of 'merchandise, vacations, airline miles, shopping sprees' and 'theme' as notoriously well known by Applicant's admissions (*supra*) or as monetarily equivalent or as taught by Kelly and 'prize server' as taught by Kelly to Stupak's game device and method to provide alternate equivalent payout or to motivate players to play longer by providing prizes of players' personal preference (Applicant's admission) or to cause greater interest and involvement and thus increases the games earnings thereby (Kelly, 24:16-19) by allowing players to view and select cash or non-cash prizes (Kelly, 9:61-10:2, 20-23) and without the need for the player to shop around for prize desired by player (Stupak). Kelly further teaches acquisition, management, distribution and accounting of the non-cash prizes (35:31-61:42, *figs.* 9-15). In addition, it is noted that Kelly is analogous prior art for being either in the Applicant's field of endeavor or reasonably pertinent to the particular problem with which the applicant was concerned. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this instance, Stupak discloses a gaming device and method for prize selection but lacks non-cash prizes such as merchandise, vacations, airline miles, or shopping sprees and theme. Non-cash prizes are monetarily equivalent to cash prizes taught by Stupak (*supra*). Further, Applicant's admission that some players are motivated to play dependent on preference for cash or non-cash prizes such as cruises or automobiles (3:12-13) and in remarks filed Jan 14, 2002 (page 5) is noted. Finally, Kelly discloses a prize system (3:29-5:41, 6:55-

61:43, figs. 1-15) teaching selection of cash and non-cash prizes such as merchandise or shopping sprees as theme prizes to cause greater interest and involvement and thus increases the games earnings thereby (24:16-19) by allowing players to view and select cash or non-cash prizes (9:61-10:2, 20-23). Kelly further teaches acquisition, management, distribution and accounting of the non-cash prizes on the prize server and associating payout with hit ratio of game and cost associated with non-cash prizes (35:31-61:42, esp. 35:31-45:67, figs. 9-15, refs. 470, 472, 474, 476, 478, 480, 482) which is analogous to formulas for calculating the cash prizes and hit ratios within Stupak. Further, Kelly is analogous prior art for being in the field of games including wagering on games of chance having prize selection from a list of prizes and a prize distribution center for acquiring, managing and delivering prizes awards or Kelly is reasonably pertinent to the particular problem with which the Applicant was concerned for providing a gaming machine, server/network or method for allowing players to select prizes including cash and non-cash from prize list and for distributing those prize awards (supra). Therefore, Kelly is analogous prior art.

Further, regarding outputting the selected prize to a portable memory device (clm 27), personal digital assistant or smart card (clm 28), 'printing a record' (clm 41), 'prize fulfillment information used to redeem prizes won by players playing gaming machines' (clm 43) and a 'prize fulfillment center that is used to acquire and deliver prizes' (clm 44), Kelly teaches outputting the selected prize to a portable memory device such as a ticket or a magnetic card, personal digital assistant or smart card to allow transfer of stored selected prizes to be recorded onto portable magnetic media so as to allow prize claim at another or remote location by card reader (11:20-23; 15:66-16:5; 17:16-20, 39-58; 28:39-63), 'printing a record' such as a ticket or voucher (11:64-

12:21), 'prize fulfillment information used to redeem prizes won by players playing gaming machines' (28:39-63, figs. 1-15) and a 'prize fulfillment center that is used to acquire and deliver prizes' (28:39-63, figs. 1-15) for stocking and delivering non-cash prizes. Kelly also teaches accounting or adjusting probability based in part on the intrinsic cash value of the non cash prizes (figs. 9-15). Therefore, it would have been obvious to an artisan at a time prior to the invention to add outputting the selected prize to a portable memory device, personal digital assistant or smart card, 'printing a record', 'prize fulfillment information used to redeem prizes won by players playing gaming machines' and a 'prize fulfillment center that is used to acquire and deliver prizes' as taught by Kelly to Stupak's gaming device and method to allow prize claim of player selected non-cash prize at another or remote location having a reader and to stock and deliver non-cash prizes and without the need for the player to shop around for prize desired by player (Stupak, 5:42-46).

Therefore, in this instance, when the prior art is taken as a whole at a time prior to the invention, Stupak in view of Kelly and admitted prior art suggests to an artisan a gaming machine, server, network or method, as claimed, permitting player selection of either cash or non-cash prizes (which have an intrinsic monetary value that is monetarily equivalent to cash prizes or provided to cater to player preference) based on the players' preference so as to encourage players to continue to play longer which generates increased revenue for the casino from the longer play session and without the need for the player to shop around for prize desired by player (Stupak, 5:42-46).

2. Claims 1-13 and 21-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (6068552) in view of Stupak et al (5851147) and Kelly (6015344). Walker discloses a gaming device and method for permitting player selection of prize from a list of prizes prior to each game play or outcome determination so the player inputs their preferences which encourages them to play longer thereby generating higher revenues for the casino due to the longer play session and less time for the player to be wandering in search of a game (1:5-7, 2:1-41; 3:10-11:42, esp. 3:40-11:20, figs. 1-12) teaching all claimed features/steps including memory storing a list of prizes cash, prize display mechanism displaying prizes stored in the memory, prize selection mechanism used to select prizes for game outcomes of a game played on a game machine with display wherein the prizes are cash and a server comprising an interface for providing information to gaming machines. Further, Walker teaches a gaming machine, a prize server, a prize distribution network and a method comprising a master gaming controller (figs. 1-12, ref. 102) to receive a wager (refs. 217-219, 316), to receive a prize selection (figs. 1-9b, ref. 312), to determine the outcome (4:2-10, figs. 1-12), to display the outcome and any prize awarded (4:2-10, 4:45-10:6, figs. 1-12), to award the selected prizes (3:35-4:12).

However, Walker does not disclose 'wherein odds for all possible outcomes of the played game of chance are generated prior to the selection of the prize' (clms 1, 21, 24, 35). 'wherein odds for all possible outcomes of the played game of chance are generated prior to the selection of the prize' (clms 1, 21, 24, 35), Stupak discloses a gaming device and method for permitting player selection of prize from a list of prizes prior to each game play or outcome determination so the player inputs their preferences which encourages them to play longer thereby generating

higher revenues for the casino due to the longer play session and less time for the player to be wandering in search of a game (1:5-9, 5:27-38, 42-58; 5:63-6:18, 24-54, 7:15-8:54, 9:23-60, 11:10-24, figs. 1-7) teaching a gaming machine (10) including a master gaming controller (step 62) to control a game of chance (fig. 4) wherein the gaming machine is operable to receive a selection of a prize from a list of prizes prior to determining the outcome of the played game of chance wherein the prize corresponds to an award for at least one outcome and wherein the prize is only awarded after the outcome of the played game is determined (5:27-38, 42-58; 5:63-6:18, 24-54, 7:15-8:54, 9:23-60, 11:10-24, figs. 1-7, esp fig. 4), and to determine the outcome for the player game of chance 'wherein the odds for all possible outcomes of the played game of chance are generated prior to the selection of the prize' in the form of pre-generated pay-out schedules (5:27-38, 42-58; 5:63-6:18, 24-54, 7:15-8:54, 9:23-60, 11:10-24, fig 1-5, steps 50, 52, 56, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 84). Stupak utilizes a limited number (5:27-38, 42-42-58, 5:63-6:18/, 24-54, 10:65-11:24) of pre-generated pay-out schedules to reduce the time for player to consider prize to select due to a casino losing opportunity to gain revenue from player while a player is not actively playing and a pre-generated payout eliminates the processing/difficulties/cost associated with computing a payout schedule as noted by Stupak (10:65-11:6). Therefore, it would have been obvious to an artisan at a time prior to the invention to add 'wherein the odds for all possible outcomes of the played game of chance are generated prior to the selection of the prize' as taught by Stupak to Walker's gaming device and method to reduce the time for player to consider prize to select due to a casino losing opportunity to gain revenue from player while a

player is not actively playing and a pre-generated payout eliminates the processing/difficulties/cost associated with computing a payout schedule as noted by Stupak (10:65-11:24).

Walker (or Walker in view of Stupak) also does not disclose 'non-cash' prizes (clms 1, 14, 21, 24, 35), 'theme' (clm 13), 'merchandise, vacations, airline miles or shopping sprees' (clms 2, 15, 23, and 37), portable memory device is a personal digital assistant or smart card (clm 28), 'printing a record' (clm 41), 'prize fulfillment information used to redeem prizes won by players playing gaming machines' (clm 43) and a 'prize fulfillment center that is used to acquire and deliver prizes' (clm 44).

This lack of disclosure does not teach away from claimed invention since the standard of patentability is what the prior art taken as a whole at a time prior to the invention suggests to an artisan. In this case, regarding claims 1-2, 14-15, 21, 23-24, 35 and 37, casinos offer or cater to player gaming preferences including prize preferences to attract them to play at their casino so as to increase their revenue thereby since the longer players continue to play the more the casinos' revenue is likely to increase (Walker, 1:5-40, 53-65). Player preferences include preferences for type of prize being either cash or non-cash winnings since some players prefer to receive cash payout while others prefer non-cash prizes as notoriously well known and as admitted prior art (instant background, 1:8-4:8, esp. 3:9-33 and page 5 of remarks filed Jan 14, 2002). Walker teaches system, method or machine to cater to player preferences including for amount of wager and size or amount of cash prize (2:1-41) in order to keep the casino's customers playing as long as possible since longer play generates higher revenues and doing this by providing players some perceived control over their game, but lacks disclosing non-cash prizes. Non-cash prizes, such as

merchandise, vacations, airline miles or shopping sprees, are notoriously well known as 'theme' prizes having intrinsic monetary value which are monetarily equivalent prizes to the cash prizes taught by Walker or Walker in view of Stupak. Applicant's admission in instant background that cash and non-cash prizes as payout (1:7-4:8) such that some players are motivated to play dependent on preference for cash or non-cash prizes such as cruises or automobiles (3:12-13) and in remarks filed Jan 14, 2002 (page 5) is acknowledged. Kelly discloses a system, machine and method for player selection of prizes from a list of prizes stored in memory either on a gaming machine with a display for displaying the list of prizes or on a server having an interface for communication with gaming machines including wagering on games of chance (supra) teaching selecting prizes of cash (9:14-16, 9:61-10:2) and 'non-cash' prizes such as merchandise or shopping spree (9:61-10:5; 11:47-63, 24:62-25:32; 29:40-30:18, 32:31-47, figs. 1-15, esp. 6-6c and 9, or 32:31-46 for tournament play) from a selection menu (figs. 1-1a, 3-5b, 6-6c, 9-9a, 12-14) including 'theme' prizes (9:61-10:2, 11:47-63, 30:8-18) which include promotional awards by voucher or certificate for shopping spree at particular sponsor (11:47-61, 30:8-60, 32:31-47) where non-cash prizes are monetarily equivalent to cash prizes due to their intrinsic cash value to cause greater interest and involvement and thus increases the games earnings thereby (24:16-19) by allowing players to view and select cash or non-cash prizes (9:61-10:2, 20-23). Kelly further teaches awarding non-cash prize or monetary equivalent amount for shopping spree (34:49-57). Therefore, it would have been obvious to an artisan at time prior to invention to add 'non-cash' selected from the group of 'merchandise, vacations, airline miles, shopping sprees' and 'theme' as notoriously well known by Applicant's admissions (supra) or as monetarily equivalent or as taught

by Kelly to Walker's game device and method or Walker's game device and method in view of Stupak to provide alternate equivalent payout or to motivate players to play longer by providing prizes of players' personal preference (Applicant's admission) or to cause greater interest and involvement and thus increases the games earnings thereby (Kelly, 24:16-19) by allowing players to view and select cash or non-cash prizes (Kelly, 9:61-10:2, 20-23). Kelly further teaches acquisition, management, distribution and accounting of the non-cash prizes (35:31-61:42, figs. 9-15). In addition, it is noted that Kelly is analogous prior art for being either in the Applicant's field of endeavor or reasonably pertinent to the particular problem with which the applicant was concerned. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this instance, Walker or Walker in view of Stupak discloses a gaming device and method for prize selection but lacks non-cash prizes such as merchandise, vacations, airline miles, or shopping sprees. Non-cash prizes are monetarily equivalent to cash prizes taught by Walker or Walker in view of Stupak. Further, Applicant's admission that some players are motivated to play dependent on preference for cash or non-cash prizes such as cruises or automobiles (3:12-13) and in remarks filed Jan 14, 2002 (page 5) is noted. Finally, Kelly discloses a prize system (3:29-5:41, 6:55-61:43, figs. 1-15) teaching selection of cash and non-cash prizes such as merchandise or shopping sprees to cause greater interest and involvement and thus increases the games earnings thereby (24:16-19) by allowing players to view and select cash or non-cash prizes (9:61-10:2, 20-23). Kelly further teaches acquisition, management, distribution and accounting of the non-cash prizes on the prize server and associating payout with hit ratio of game and cost associated with non-cash prizes (35:31-61:42, esp. 35:31-45:67, figs. 9-15, refs. 470, 472, 474, 476, 478, 480,

482) which is analogous to formulas for calculating the cash prizes and hit ratios within Walker or Walker in view of Stupak. Further, Kelly is analogous prior art for being in the field of games including wagering on games of chance having prize selection from a list of prizes and a prize distribution center for acquiring, managing and delivering prizes awards or Kelly is reasonably pertinent to the particular problem with which the Applicant was concerned for providing a gaming machine, server/network or method for allowing players to select prizes including cash and non-cash from prize list and for distributing those prize awards (supra). Therefore, Kelly is analogous prior art.

Further, regarding personal digital assistant or smart card (clm 28), 'printing a record' (clm 41), 'prize fulfillment information used to redeem prizes won by players playing gaming machines' (clm 43) and a 'prize fulfillment center that is used to acquire and deliver prizes' (clm 44), Kelly also teaches portable memory device is a magnetic card, personal digital assistant or smart card to allow transfer of stored selected prizes to be recorded onto portable magnetic media so as to allow prize claim at another or remote location by card reader (11:20-23; 15:66-16:5; 17:16-20, 39-58; 28:39-63), 'printing a record' (11:64-12:21), 'prize fulfillment information used to redeem prizes won by players playing gaming machines' (28:39-63, figs. 1-15) and a 'prize fulfillment center that is used to acquire and deliver prizes' (28:39-63, figs. 1-15) for stocking and delivering non-cash prizes. Kelly also teaches accounting or adjusting probability based in part on the intrinsic cash value of the non cash prizes (figs. 9-15). Therefore, it would have been obvious to an artisan at a time prior to the invention to add personal digital assistant or smart card, 'printing a record', 'prize fulfillment information used to redeem prizes won by players playing

gaming machines' and a 'prize fulfillment center that is used to acquire and deliver prizes' as taught by Kelly to Walker's gaming device and method or Walker's game device and method in view of Stupak to allow prize claim of player selected non-cash prize at another or remote location having a reader and to stock and deliver non-cash prizes.

Therefore, in this instance, when the prior art is taken as a whole at a time prior to the invention, Walker in view of Stupak, Kelly and admitted prior art suggests to an artisan a gaming machine, server, network or method, as claimed, permitting player selection of either cash or non-cash prizes (which have an intrinsic monetary value that is monetarily equivalent to cash prizes or provided to cater to player preference) based on the players' preference so as to encourage players to continue to play longer which generates increased revenue for the casino from the longer play session.

Response to Arguments

3. Applicant's arguments with respect to claims 1-13 and 21-44 have been considered but are moot in view of the new ground(s) of rejection.

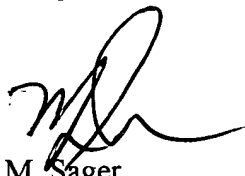
Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is (703) 308-0785. The examiner can normally be reached on T-F from 0700 to 1700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. S. Tom Hughes, can be reached on (703) 308-1806. The fax phone number for this Group is (703) 872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



M. Sager
Primary Examiner
Aug. 18 2003